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12 January 1956

MEMORANDUM FOR: Chief, Finance Division

FROM : Office of General Counsel

SUBJECT : Your Memorandum, Subject: "Waiver of Accounting Requirements by a Contract Agreed by a Special Contracting Officer", dated 13 December 1955

1. Your memorandum requested our opinion as to whether an Agency Special Contracting Officer had the authority to approve a provision in an agent contract to the effect that the agent's accounting for confidential funds advanced him for purposes other than salary need be only on the certification of the agent, and need not be supported by receipts.

2. Somewhat generalized, the issue poses is whether the Agency Special Contracting Officer may prescribe an internal accounting procedure for the expenditure of confidential funds on his own authority.

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5. On the basis of the foregoing, it is the opinion of this Office that the Special Contracting Officer may not, on his own authority, include a provision in an agent contract which would relieve the agent from accounting for confidential funds advanced him for other than salary purposes solely on his certification. If this end is sought, it can be achieved only by an appropriate provision in an administrative plan relating to the agent's activities, or by a waiver of the accounting requirement by the Director in individual cases, or by the Director's issuance of an appropriate regulation.

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Office of General Counsel

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